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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,812	01/26/2004	Martha Karen Boyd	1033-MS1013	6878
34456	7590	05/19/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			LY, NGHI H	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,812

Applicant(s)

BOYD, MARTHA KAREN

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/02/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 10-14, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Burgess (US 6,359,970).

Regarding claim 1, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1 to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

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Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 2, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change.

Burgess teaches the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 3, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 4, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule for a second day of the week differs from that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs from that for the first day of the week (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 6, Awada teaches a display device (in order to set a schedule and calendar, the teaching of Awada indeed teaches Applicant's "a display device"), and a user input device; wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule and the user input device to create

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at least part of the ringer control schedule (see Awada's column 1, line 1 to column 2 line 44).

Regarding claim 7, Awada teaches an interface to an external device; wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device (column 2, lines 46-67, see "remotely activate a profile of a telephone").

Regarding claim 10, Awada further teaches the interface (see Awada, fig.1, interface 210) comprises a data port (see column 6, lines 25-27).

Regarding claim 11, Awada further teaches a control to override the ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring").

Regarding claim 12, Awada teaches a mobile telephone comprising: a ringer to audibly alert of an incoming telephone call (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone"); a display device (in order to set a schedule and calendar, the teaching of Awada indeed teaches Applicant's "a display device"), a user input device (see column 1, lines 63-65), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring") and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule and the user input device to create at least part of the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1

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to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change, wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule and the user input device to create at least part of the ringer control schedule, and wherein the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change; and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46), wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule (see column 3, lines 58-66 and column 8, lines 19-46) and wherein the ringer control schedule indicates (see column 3, lines 58-66 and column 8, lines 19-46), for each day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46), the times at which the parameter is to change (see Abstract, column 3, lines 58-66 and column 8, lines 19-46), and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off and a second time for the first day of the week at which the ringer is to be turned back on (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 13, claim 13 is rejected with the similar reason as set forth in claim 11 above.

Regarding claim 14, Awada teaches the mobile telephone of claim 12. Awada does not teach the ringer control schedule for a second day of the week differs than that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs than that for the first day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 16, claim 16 is rejected with the similar reason as set forth in claim 12 above.

Regarding claim 19, claim 19 is rejected with the similar reason as set forth in claim 10 above.

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3. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Miura et al (US 6,763,105).

Regarding claim 5, Awada teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8). Awada does not specifically disclose changing a ring tone, and changing a ring volume.

Miura teaches changing a ring tone, and changing a ring volume (see Abstract and see column 1, line 65 to column 2, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Miura into the system of Awada in order to control the ringer-tone-volume.

Regarding claim 15, claim 15 is rejected with the similar reason as set forth in claim 5 above.

4. Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Dutta (US 6,760,581).

Regarding claim 8, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the interface comprises a short-range wireless interface.

Dutta teaches the interface comprises a short-range wireless interface (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 9, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the short-range wireless interface comprises a BLUETOOTH interface.

Dutta teaches the short-range wireless interface comprises a BLUETOOTH interface (column 5, lines 50-67, see "Bluetooth").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 17, claim 17 is rejected with the similar reason as set forth in claim 8 above.

Regarding claim 18, claim 18 is rejected with the similar reason as set forth in claim 9 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Janz (US 6,819,922) teaches personal digital assistant vehicle interface and method.

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b. Dougherty (US 6,141,556) teaches telecommunications system with multi-extension services.

c. McKinney (US 6,813,491) teaches method and apparatus for adapting setting of wireless communication devices in accordance with user proximity.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

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05/06/05

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600